



GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES


MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

January 17, 2012

TO: Board of Oil, Gas & Mining

FROM: Steve Schneider, Administrative Services & Policy Coordinator 

SUBJECT: Status on Informal Rulemaking: Ownership and Control, Coal Program

This memorandum is written to update the Board on the status of the informal rulemaking process on the subject primarily referred to as ownership and control ("O&C") in the Coal Program. The formal rulemaking process is ready to commence after the Board briefing on January 25, 2012, as described below.

In review, the Division provided draft O&C rules and a historical recap of O&C rulemaking to the Board at the December 7, 2011 briefing. On December 8, 2011, the Division provided the draft rules to the Informal Rules Review Group and requested a reply by January 13, 2012, as attached. Only one response has been received, which was the Utah BLM providing their support. The BLM also offered a one word suggestion in the definitions, which we determined to be inconsistent with the federal CFR.

Unless there are objections raised at the January 25, 2012 briefing, the Division is ready to commence formal rulemaking by the filing of a petition to the Board by February 10, 2012. Thereafter, the Board could initially hear the formal matter on March 28, 2012, the Division would submit the rules filing to the Division of Administrative Rules by April 2, 2012, and formal public comment could occur on April 25, 2012.

I will be available to answer questions at the Board briefing on January 25, 2012 or I can be reached at 801-538-5328.

Attachment





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December 8, 2011

TO: Informal Rules Review Group

THROUGH: John R. Baza, Director 

FROM: Steve Schneider, Administrative Services & Policy Coordinator 

SUBJECT: Solicitation of Comments on Coal Rule Amendments on Ownership and Control, Informal Rulemaking Process

This letter is written to seek your comments on a Coal Program rule proposal pertaining principally to ownership and control, as part of the informal rulemaking process. This rulemaking was requested by the Office of Surface Mining ("OSM") in October 2009 to be as effective as federal regulations which were passed as final rule on December 3, 2007, December 19, 2000, and October 28, 1994. OSM had informed Utah and other states to defer rulemaking until the 2009 request.

The Board of Oil, Gas & Mining was originally briefed on January 27, 2010 and was also briefed on December 7, 2011 prior to this rule proposal proceeding to the Informal Rules Review Group for comments. The Division has worked extensively with OSM to develop these draft rules to be as effective as federal regulation. Each state rule amendment is cross-referenced to the counterpart federal regulation for your benefit.

Please take this opportunity to review this proposal and provide a response to Steve Schneider by **January 13, 2012**, if you desire. Consideration will be made of your comments prior to proceeding with formal rulemaking with the Board. I can be reached by e-mail at steveschneider@utah.gov or by telephone at 801-538-5328 if you have any questions.

Thank you in advance for your consideration of this matter.

Attachment

